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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/231,415	01/14/1999	DON P. WOLFE	AUTOB.043A	3041

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EXAMINER
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COLBERT, ELLA

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 06/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/231,415

**Applicant(s)**

WOLFE ET AL.

**Examiner**

Ella Colbert

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 26 and 101-114 is/are pending in the application.
- 4a) Of the above claim(s) 117-132 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 26 and 101-114 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>5/15/06</u> .   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. Claims 26, 100-114, and 117-132 are pending. Claims 26 and 107 have been amended and claims 117-132 have been added in this communication filed 03/22/06 entered as Response to Non-Final Action ( Miscellaneous Communication to Applicant). The IDS filed 5/15/06 has been considered.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 26 and 100-114 are rejected under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants' regard as the invention.

In particular, claim 17 recites in the preamble "a purchase request management system", the body of the claim does not contain any limitations indicating the structure of the management system. A system or an apparatus claim should always claim the structure or the hardware that performs the function. Applicants' claimed limitations consist of modules (software) that do not describe the structure of the management system. Appropriate correction is required.

### ***Election by Original Presentation***

4. Newly submitted claims 117-132 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Independent claim 26 is directed to a purchase request management system for receiving requests from potential buyers for a product from a group of dealers and claim 117 is directed to

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a vehicle purchase request where the purchase requests are also received from potential buyers and the vehicle dealers are identified that sell a first make of vehicle where first and second vehicle dealers sell different makes of a vehicle and a purchase request is assigned from a potential buyer for a first make of vehicle to a first limited group of dealers. The claim limitations in claim 117 require a different search than the claim limitations of claim 26.

Since Applicants' have received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 117-132 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142 (b) and MPEP § 821.03.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 26, 100-114, are rejected under 35 U.S.C. 103(a) as being unpatentable over in view of (Us 5,940,807) Purcell in view of (US 6,041,310) Green et al, hereafter Green.

With respect to claim 26, Purcell teaches, a purchase request management system, comprising: A system database comprising: a plurality of purchase requests

received from potential buyers and that each identify at least one product and buyer data (col. 3, line 50-col. 4, line 8); and a plurality of limited groups of one or more dealers accessible to the buyer and that are designated to have access to purchase requests that identify a product that the dealers sell, wherein each limited group of dealers has substantially fewer dealers than an unlimited group of dealers that includes every dealer accessible to the buyer that sells the product (col. 4, lines 20-50); and a buyer-dealer association module configured exclusively to assign a purchase request received from a potential buyer to the one or more dealers designated by the system database to have access to the purchase request (col. 6, lines 16-46).

Purcell failed to teach, a dealer access module configured to permit each dealer to access the system database over a computer network using a remote terminal and to view and manage only those purchase requests assigned to the dealer. Green teaches, a dealer access module configured to permit each dealer to access the system database over a computer network using a remote terminal and to view and manage only those purchase requests assigned to the dealer (col. 3, lines 34-col. 4, line 10). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a dealer access module configured to permit each dealer to access the system database over a computer network using a remote terminal and to view and manage only those purchase requests assigned to the dealer. Green teaches, a dealer access module configured to permit each dealer to access the system database over a computer network using a remote terminal and to view and manage only those purchase requests assigned to the dealer and to modify in Purcell because such a

modification would allow Purcell to display a selected inventory of vehicles from the system database over the network.

With respect to claim 100, Purcell teaches, The purchase request management system of Claim 26, wherein the dealer access module permits each dealer to enter information about at least one of the purchase requests and the entered information is stored in the system database (col. 9, lines 36-50).

With respect to claim 101, Purcell teaches, The purchase request management system of Claim 100, wherein the dealer access module permits each dealer to assign at least one task related to at least one purchase request to a user associated with the dealer (col. 6, lines 36-47).

With respect to claim 102, Purcell teaches, The purchase request management information about assigned tasks is stored in the system database (col. 9, lines 36-50).

With respect to claim 103, Purcell teaches, The purchase request management system of Claim 100, wherein the dealer access module permits each dealer to enter a status related to at least one purchase request (col.3, line 50-col. 4, line 20).

With respect to claim 104, Purcell teaches, The purchase request management system of Claim 103, wherein information about purchase request status is stored in the system database (col. 4, lines 51-65).

With respect to claim 105, Purcell failed to teach, The purchase request management system of Claim 26, wherein the system database further comprises a plurality of product records, each product record corresponding to at least one product sold by at least one of the dealers and comprising at least a product type and an

estimated product price. Green teaches, wherein the system database further comprises a plurality of product records, each product record corresponding to at least one product sold by at least one of the dealers and comprising at least a product type and an estimated product price (col. 5, lines 27-48, col. 10, line 61-col. 11, line 45, and figure 12A). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the system database further comprise a plurality of product records, each product record corresponding to at least one product sold by at least one of the dealers and comprising at least a product type and an estimated product price and to modify in Purcell because such a modification would allow Purcell to have a collection of data stored on a computer storage medium that can be used for more than one purpose. For example, the dealers will be able to use the data to determine their inventory and profit margin.

With respect to claim 106, Purcell failed to teach, The purchase request management system of Claim 105, wherein the system database is configured to be accessible over a computer network to at least one potential buyer using a remote terminal and to provide product information to the potential buyer. Green teaches, wherein the system database is configured to be accessible over a computer network to at least one potential buyer using a remote terminal and to provide product information to the potential buyer (col. 5, lines 63-65 –network, col. 6, lines 13-15- Laptop (can be remote) and col. 12, lines 1-18). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the system database is configured to be accessible over a computer network to at least one potential buyer using a remote

terminal and to provide product information to the potential buyer and to modify in Purcell because such a modification would allow Purcell to have product information available to a buyer in order to match the buyer's specifications to the merchandise in the database.

With respect to claim 107, Purcell teaches, wherein the system database further comprises a plurality of predefined sales regions and each purchase request corresponds to at least one of the predefined sales regions based on at least one geographic designation associated with the buyer data (col. 10, line 57-col. 11, line 8).

With respect to claim 108, Purcell teaches, wherein the buyer-dealer association module is configured to assign each purchase request to only one dealer (col. 3, lines 50-57 and col. 4, lines 51-64).

With respect to claim 109, Green teaches, wherein the geographic designation associated with the purchase request is derived from contact information of the potential buyer to whom the purchase request corresponds (col. 2, lines 27-53).

With respect to claim 110, Purcell failed to teach, The purchase request management system of Claim 109, wherein the geographic designation associated with the purchase request is derived from the potential buyer's zip code. Green teaches, wherein the geographic designation associated with the purchase request is derived from the potential buyer's zip code (col. 6, lines 5-8). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the geographic designation associated with the purchase request is derived from the potential buyer's zip code and to modify in Purcell because such a modification would



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allow Purcell to have customer data that is created and saved that contains the customer's address (an address contains a zipcode) which is basic information for any geographic designation.

With respect to claim 111, Purcell teaches, the purchase request management system of Claim 26, wherein the system database further comprises a plurality of exclusive database regions, each exclusive database region being reserved for a single dealer and being configured to store only those purchase requests assigned to the single dealer (col. 4, lines 51-64).

With respect to claim 112, Purcell teaches, the purchase request management system of Claim 111, wherein the buyer-dealer association module is configured to assign each purchase request to one or more dealers by storing a copy of the purchase request in the exclusive database region of each assigned dealer (col. 3, lines 50-57).

With respect to claim 113, Purcell teaches, wherein the dealer access module is configured to permit each dealer to access a purchase request substantially immediately upon a copy of the purchase request being stored in the dealer's exclusive database region (col. 9, lines 36-65).

With respect to claim 114, Purcell teaches, the purchase request management system dealer access module permits each dealer to access only those purchase requests assigned to the dealer by permitting the dealer to access only the exclusive database region reserved for the dealer (col. 8, line 66-col. 9, line 22).

### ***Response to Arguments***

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7. Applicants' arguments filed 03/22/06 have been fully considered but they are not persuasive.

Issue no. 1: Applicants' argue: Applicants' submit that the Green system does not meet the claim limitations under any reasonable claim construction because the Green patent does not indicate that the linked salesperson has exclusive access to his or her customer's information and the Green patent does not teach restricting a dealer to "only those purchase requests assigned to the dealer" has been considered but is not persuasive. Response: Claim 26 does not claim that "the salesperson has exclusive access to his or her customer's information" or "restricting a dealer to only those purchase requests assigned to the dealer". Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

#### **Inquiries**


8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is 571-272-6741. The examiner can normally be reached on Tuesday-Thursday, 6:30AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 571-272-6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

June 10, 2006

  
**ELLA COLBERT**  
PRIMARY EXAMINER